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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,898	01/23/2004	Patrick M. Baudisch	MSFT121882	7772

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EXAMINER
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WIENER, ERIC A

ART UNIT	PAPER NUMBER
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2179

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/763,898	Applicant(s) BAUDISCH ET AL.	
	Examiner Eric A. Wiener	Art Unit 2179	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/28/2005</u> | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-20 have been presented for examination based on applicant's disclosure filed on 1/23/2004, claiming benefit to the date of 1/24/2003. Claims 1-20 have been rejected by the examiner.

#### *Claims*

2. Claims 16 – ~~20~~ are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claims 16 and 17 depend on a claim 24, which does not exist; it is believed that this is a typo and that claims 16 and 17 should depend on claim 14. Claims 18 and 19 are objected to for depending on the improper claim 17. Applicant is required to cancel the claims, or amend the claims to place the claims in proper dependent form, or rewrite the claims in independent form.

#### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 16 – ~~20~~ are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The scope of claims 16 and 17 cannot be determined, because both of the claims depend on a claim 24, which does not exist. In addition, the scope of claims 18 and 19 cannot be determined because they depend on the indefinite claim 17. Applicant is required to

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cancel the claims, or amend the claims to place the claims in proper dependent form, or rewrite the claims in independent form.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 4, 8, 10, 14, 15, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,661,502 issued to Xuejiang Cheng.

**As per independent claims 1 and 8**, Xuejiang Cheng discloses *a method for enhancing a mouse cursor displayed on a computer display and a computer readable medium* (column 3, lines 15 – 24) *for carrying out said method, in which said method comprises:*

- *obtaining the current mouse cursor speed* (column 4, lines 20 – 37);
- *determining whether the current mouse cursor speed exceeds a predetermined threshold* (column 3, line 66 – column 4, line 10); *and*
- *generating an enhanced mouse cursor if the current mouse cursor speed exceeds the predetermined threshold* (column 4, line 65 – column 5, line 1).

**As per independent claim 14**, Xuejiang Cheng discloses *a method for enhancing a mouse cursor displayed on a computer display comprising:*

- *obtaining mouse cursor information relating to the mouse cursor during the mouse cursor's display cycle* (column 3, line 66 – column 4, line 37), *the mouse cursor*

*information including the mouse cursor's current speed (column 4, lines 20 – 37);  
and*

- *generating a displayable mouse cursor according to the mouse cursor's current speed (column 4, lines 20 – 54), wherein the output of coordinates corresponds to displaying the mouse cursor at those coordinates.*

**As per claim 2**, and taking into account the rejection of claim 1, Xuejiang Cheng further discloses *displaying the enhanced mouse cursor on the computer display (column 4, lines 20 – 54)*, wherein the output of coordinates corresponds to displaying the mouse cursor on a computer display at those coordinates.

**As per claim 15**, and taking into account the rejection of claim 14, Xuejiang Cheng further discloses *determining whether the mouse cursor's current speed exceeds a predetermined threshold, and if so, generating an enhanced displayable mouse cursor (column 4, line 65 – column 5, line 1).*

**As per claims 4 and 10**, and taking into account the rejection of claims 1 and 8, respectively; Xuejiang Cheng further discloses *determining an interpolated mouse path according to the current mouse cursor position and the previous mouse cursor position (column 4, lines 11 – 14).*

**As per claim 17**; a dependency error exists, because the claim depends on claim 24, which does not exist. This is believed to be a typographical error, and that the claim should depend on claim 14. Therefore, to continue examination of the claim, claim 17 will be interpreted as claiming dependency from claim 14. Thus, taking into account the rejection of claim 14, the claim is rejected on the same grounds as claims 4 and 10.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 9, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,661,502 issued to Xuejiang Cheng in view of JP 05073257 A issued to Kensuke.

As per claims 3 and 9, Xuejiang Cheng discloses the computer-readable medium and methods of independent claims 1 and 8, respectively. Xuejiang Cheng does not explicitly disclose that generating the enhanced mouse cursor comprises sizing the mouse cursor in a continuous scale and immediate manner according to the current mouse cursor speed.

However, in an analogous art, Kensuke discloses that generating an enhanced mouse cursor comprises *sizing the mouse cursor in a continuous scale and immediate manner according to the current mouse cursor speed* ([0009]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Kensuke into the method and computer-readable medium of Xuejiang Cheng to develop a method and computer-readable medium for sizing a mouse cursor in a continuous scale and immediate manner according to the current mouse cursor speed. The motivation to combine is obvious in that both inventions are for enhancing a mouse cursor. The invention of Xuejiang Cheng intends to improve use by allowing the mouse cursor to be more smoothly displayed, thus allowing a

user to more easily see where the cursor is moving. Likewise, Kensuke intends to also make a cursor easier to visually recognize through smoothly changing the size of the cursor.

**As per claim 16**, a dependency error exists, because the claim depends on claim 24, which does not exist. This is believed to be a typographical error, and that the claim should depend on claim 14. Therefore, to continue examination of the claim, claim 16 will be interpreted as claiming dependency from claim 14. Thus, taking into account the rejection of claim 14, the claim is rejected on the same grounds as claims 3 and 9, wherein the motivation to combine references would be the same.

9. Claims 5 – 7, 11 – 13, and 18 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,661,502 issued to Xuejiang Cheng in view of “Animation: From Cartoons to the User Interface” by Bay-Wei Chang.

**As per claims 5, 11, and 18**; Xuejiang Cheng discloses the computer-readable medium and methods of claims 4, 10, and 17, respectively. Xuejiang Cheng does not explicitly disclose that generating the enhanced mouse cursor comprises generating a motion-blur effect for the mouse cursor according to the current mouse cursor speed along the interpolated mouse path.

However, in an analogous art, Bay-Wei Chang discloses *generating a motion-blur effect for a mouse cursor according to a current mouse cursor speed along an interpolated mouse path* (pages 47 – 49, “2.1.1 Solidity: Motion blur”). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Bay-Wei Chang into the method and computer-readable medium of Xuejiang Cheng to develop a method and computer-readable medium for generating an enhanced mouse cursor comprising generating a

motion-blur effect for the mouse cursor according to the current mouse cursor speed along a determined interpolated mouse path. The motivation to combine is obvious in that both the invention of Xuejiang Cheng and the teaching of Bay-Wei Chang are for enhancing a mouse cursor. The invention of Xuejiang Cheng intends to improve use by allowing the mouse cursor to be more smoothly displayed, thus allowing a user to more easily see where the cursor is moving. Likewise, as disclosed in the last three lines of page 53, column 1 of "Animation: From Cartoons to the User Interface," the teaching of Bay-Wei Chang intends to reduce the time it takes a user to visually comprehend an action.

**As per claims 6, 12, and 19**, Xuejiang Cheng and Bay-Wei Chang substantially disclose the computer-readable medium and methods of claims 4, 12, and 17, respectively. In addition, Xuejiang Cheng further discloses that *generating the enhanced mouse cursor comprises generating a super-sampled mouse path comprising at least one additional mouse cursor path* (column 4, line 65 – column 5, line 1), wherein the smoothing of the mouse path corresponds to a super-sampled mouse path.

**As per claims 7, 13, and 20**, Xuejiang Cheng and Bay-Wei Chang substantially disclose the computer-readable medium and methods of claims 4, 12, and 17, respectively. In addition, Xuejiang Cheng further discloses that *the at least one additional mouse cursor image is distributed along the interpolated mouse path in a non-linear progression according to the mouse cursor speed* (column 5, lines 7 – 9).




*Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The cited documents represent the general state of the art.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric A. Wiener whose telephone number is 571-270-1401. The examiner can normally be reached on Monday through Thursday from 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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PRIMARY EXAMINER